

FILED *Ce*
JUN 21 2021
SUSAN Y. SOONG
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
IFP
NP
(3)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ve
Shameim Lowther

Plaintiff,

vs.

Tesla

Defendant(s).

JCS
21-04735

CASE NO. _____

EMPLOYMENT DISCRIMINATION
COMPLAINT

1. Plaintiff resides at:

Address 47700 Kato Road

City, State & Zip Code Fremont, CA 94538

Phone 510-249-3560

2. Defendant is located at:

Address 2004 University Ave 507

510 998 8442 cell

City, State & Zip Code Berkeley Ca. 94704

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5.

Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☐ Termination of my employment.

c. ☐ Failure to promote me.

d. ☒ Other acts as specified below.

Racially Profiled while taking a combined break. I was harassed and sexually assaulted, then threatened with termination. Security was called on me. After I made a police complaint my employer retaliated against me through isolation, and having an unsafe workplace. This was very traumatic for me, a very traumatic experience as a whole. I had to leave b/c my job wouldn't protect me. I made a complaint verbally 12/19, email 12/22, police report 12/24. I left work midday 12-25-2020 due to harassment. I filed 12/28 to ensure my safety to return to work. Tesla wouldn't allow the Sheriff Dept to serve him. So I never returned.

5. Defendant's conduct is discriminatory with respect to the following:

a. ☒ My race or color.

b. ☐ My religion.

c. ☒ My sex.

d. ☐ My national origin.

e. ☒ Other as specified below. Holding my job position.

6. The basic facts surrounding my claim of discrimination are:

I recorded a bulk of the aftermath of me confronting the assailant giving a description of what took place and him apologizing. He admitted to beliving I was a production associate in which he treated me in that manner. After he followed me to the cafeteria and asked me questions about my background and stated he thought I was much younger like 22yrs and he offered me a better position working under him directly, after I expressed the duplicity @ the workplace with being in my role @ Tesla. So it was very silicon valley within the company of hierarchies of power differential, race, and sexism.

7. The alleged discrimination occurred on or about 12-19-2020.

(DATE)

8. I filed charges with the Federal Equal Employment Opportunity Commission (or the California Department of Fair Employment and Housing) regarding defendant's alleged

discriminatory conduct on or about 3-23-2021.

(DATE)

9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
(copy attached), which was received by me on or about 3-25-2021.

(DATE)

10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

Yes X No

11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
including injunctive orders, damages, costs, and attorney fees.

DATED: 6/21/2021

Shameim Lowther

SIGNATURE OF PLAINTIFF

(PLEASE NOTE: NOTARIZATION
IS NOT REQUIRED.)

Shameim Lowther

PLAINTIFF'S NAME

(Printed or Typed)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**555-2021-00659****CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

MS. SHAMEIM A LOWTHER

Home Phone

(510) 998-8442

Year of Birth

Street Address

City, State and ZIP Code

2004 UNIVERSITY AVE, UNIT 205, BERKELEY, CA 94704

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

TESLA INC.

No. Employees, Members

501+

Phone No.

(510) 249-3650

Street Address

City, State and ZIP Code

47700 KATO ROAD, FREMONT, CA 94538

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**12-09-2020 12-31-2020**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Respondent on or about October 5, 2020, as a Production Assistant. I have since been promoted to Quality Technician Level II. I am performing my job duties satisfactorily. My current supervisor is Emmanuel Robles, Supervisor B Shift.

During my employment with Respondent I was subjected to sexual harassment. On or about December 19, 2020, during my break, I was approached by Thomas Nam, General Operations Manager. Mr. Nam proceeded to ask me my name and if I worked for Respondent. I informed Mr. Nam that I indeed work for Respondent. Mr. Nam raised his voice and asked me twice for my name; he then proceeded to aggressively grab my name tag from my chest. As Mr. Nam grabbed my name tag, he also grabbed the cuff of my bra. I immediately informed Mr. Nam that I felt uncomfortable and that he should stop. When Mr. Nam approached me he was aggressive, hostile, and assertive in making demands. He then called a supervisor for the production associates assuming that I could not be in the break room. After he discovered me being a quality technician, he said he did not know who I was, which is why he felt it was

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

**Digitally signed by Shameim Lowther on 03-22-2021
01:17 PM EDT**

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

555-2021-00659**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

and EEOC

State or local Agency, if any

okay to threaten me after he assaulted me by stating that he will have me fired by Monday. Mr. Nam proceeded to step back and apologized profusely. Thereafter, Mr. Robles called me as I was driving home. He asked if I was okay, informed me to pull to the side of the road if I needed to, and that he would report the incident to Human Resources, however, Mr. Robles did not. Subsequently, on or about December 22, 2020, I lodged a complaint via email with Tracy Thomas, Human Resources Director. She informed me that we would have a meeting regarding the incident, on or about January 7, 2021; however, the meeting was cancelled by Ms. Thomas.

After the incident Mr. Nam followed me to the cafeteria (witness Kamran Memon) offered me a different position (witness Phillip Park (quality tech I trained), and Leatrice Ayala supervisor) working under him in his department. I filed the police report on December 24, 2020. The following day, Mr. Nam still approached me throughout the morning. I spoke with my supervisor and I was informed that there is nothing they can do because he is a manager. Respondent proceeded to inform me that I just had to wait and see how the investigation played out. I did not feel safe, heard or protected. My last physical day with Respondent was on December 26, 2020. Subsequently, I filed with Alameda Courts for a TRO pending service, and a hearing. Respondent would not allow the sheriffs office in to serve Mr. Nam. Subsequently, I went on medical leave as the interactions with Mr. Nam became hostile and toxic. To date, I have not received any information from Respondent regarding the incident.

I also believe I was retaliated against because of my engagement in protected activity. After I lodged a complaint with Ms. Thomas, I was treated differently by my supervisor and coworkers. I was isolated, and my work duties were reduced. My supervisor, Emanuel, also informed my coworkers to keep their distance from me because it was dangerous to be around me. I believe it was racially motivated. I was the only African American person with a role in quality control until they moved another African American coworker to my team. Respondents roadrunner project is very duplicitous. There are not a lot of African American people unless it is in the factory or seats. The production associate's that are hired only have 1-3 African American bodies every 50-person shift. So, me being an African American woman with the privileges (as the engineers/managers/supervisors/leads) to take a break at will, combine breaks, clock in early, work late, bring work home, and not be a production associate is unheard of in the factory.

I believe that I have been discriminated against because of my sex (female) and race (African American), in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been retaliated against for my engagement in protected activity, in violation of the statute.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

**Digitally signed by Shameim Lowther on 03-22-2021
01:17 PM EDT**

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Shameim A. Lowther**
2004 University Ave, Unit 205
Berkeley, CA 94704

From: **Oakland Local Office**
1301 Clay Street
Ste. 680-North
Oakland, CA 94612

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

555-2021-00659

Sharsyea Abram,
Investigator

(510) 956-0017

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Steven Hunt

Digitally signed by Steven Hunt

Date: 2021.03.23 10:30:31

-07'00'

Enclosures(s)

Steven T. Hunt,
Director

03/23/2021

(Date Issued)

cc:

M. Yusuf M. Mohamed, Esq.
Deputy General Counsel, Employment and Immigration
TESLA INC.
Attn: Legal Department
901 Page Ave.
Fremont, CA 94538

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.



 Search

ment Chain

Organizations

W

Shameim Lowther (On
Leave)

Quality Technician, Cell Engineering

Actions

Email

Summary

Job

Compensation

Contact

Personal

Performance

Career

Job Details

Employee ID

754866

Organization

Tesla CEO (Elon Musk) >> Emma

Position

QA Technician II (On Leave)

Business Title

Quality Technician, Cell Engineeri

Job Profile

QA Technician II

Employee Type

Regular

Management Level

S2 (II)

Time Type

Full time

FTE

100.00%

Location

 NA-US-CA-Fremont-47700 Kat

Hire Date

10/05/2020

Original Hire Date

10/05/2020

Continuous Service Date

10/05/2020

Length of Service

0 year(s), 3 month(s), 20 day(s)

Time in Position

0 year(s), 3 month(s), 18 day(s)

Time in Job Profile

0 year(s), 3 month(s), 18 day(s)



Tesla, Inc.
12832 Frontrunner Blvd
Suite # 100
Draper, UT 84020
510-249-3520

Pay Statement

Period Start Date 12/14/2020
Period End Date 12/27/2020
Pay Date 12/31/2020
Document 5405487
Net Pay \$2,381.80

Pay Details

Shameim Lowther
2004 University Ave
205
Berkeley, CA 94704
USA

Employee Number 754866
SSN XXX-XX-XXXX
Job Quality Technician,
Cell
Pay Rate \$21.0000
Pay Frequency Biweekly

Pay Group TMI - Bi-Weekly
Location US-CA-Fremont-47700
Kato
Cost 700000 - Project
Center Roadrunner
SIO FRCEL - Fremont
Project Production Cell
AX 2997 - US-CA-Fremont-
Location 47700 Kato
Labor I - Indirect Labor
Type

Earnings

Pay Type	Week	Period Start	Period End	Hours	Pay Rate	Current	YTD
Regular Pay	0	12/07/2020	12/13/2020	10.0000	\$21.0000	\$210.00	
Overtime	0	12/07/2020	12/13/2020	2.0000	\$31.5000	\$63.00	
CA Meal Penalty	0	12/07/2020	12/13/2020	1.0000	\$21.0000	\$21.00	
Group Term Life				0.0000	\$0.0000	\$0.00	\$8.39
Regular Pay	1			40.0000	\$21.0000	\$840.00	
Overtime	1			7.0500	\$31.4993	\$222.07	
Double Time	1			0.0200	\$42.0000	\$0.84	
CA Meal Penalty	1			1.0000	\$21.0000	\$21.00	
Regular Pay	2			20.0000	\$21.0000	\$420.00	\$8,291.24
Overtime	2			3.4700	\$31.5014	\$109.31	\$3,332.68
Double Time	2			16.2500	\$42.0000	\$682.50	\$835.38
CA Meal Penalty	2			1.0000	\$21.0000	\$21.00	\$304.50
Paid Time Off	2			12.0000	\$22.0767	\$264.92	\$264.92
Holiday	2			16.0000	\$21.0000	\$336.00	\$336.00

Total Hours Worked 98.7900

Total Hours Paid 129.7900

Deductions

Deduction	Pre-Tax	Employee		Employer	
		Current	YTD	Current	YTD
401k	Yes	\$157.43	\$416.31	\$0.00	\$0.00
Dental Pretax	Yes	\$0.00	\$60.00	\$0.00	\$0.00
Group Term Life	No	\$0.00	\$8.39	\$0.00	\$0.00
Grp Legal Plan	No	\$0.00	\$38.65	\$0.00	\$0.00
Medical Pretax	Yes	\$0.00	\$175.00	\$0.00	\$0.00
Vision	Yes	\$0.00	\$25.00	\$0.00	\$0.00

Taxes

Case 3:21-cv-04733-JCS Document 1 Filed 06/21/21 Page 12 of 44

Tax		Current		YTD	
Federal Income Tax		\$219.81		\$604.77	
Employee Medicare		\$46.57		\$190.14	
Social Security Employee Tax		\$199.12		\$813.01	
CA State Income Tax		\$174.79		\$575.54	
CA Disability Employee		\$32.12		\$131.05	
Paid Time Off		Net Pay Distribution			
Plan	Balance	Account Number	Account Type	Amount	
Paid Time Off	11.8000	xxxxx9771	Checking	\$2,381.80	
		Total		\$2,381.80	
Pay Summary					
	Gross	FIT Taxable Wages	Taxes	Deductions	Net Pay
Current	\$3,211.64	\$3,054.21	\$672.41	\$157.43	\$2,381.80
YTD	\$13,373.11	\$12,696.80	\$2,314.51	\$723.35	\$10,335.25

vsn 20180423

Incident Report

FREMONT POLICE DEPARTMENT



2000 Stevenson Blvd
Fremont, California 94538

Phone Number
(510) 790-6800
Fax Number
(510) 790-6831

201224023

Supplement No
ORIG

Reported Date
12/24/2020
Rpt/Incident Typ
242
Member#
MARQUEZ, HECTOR

Administrative Information

Agency FREMONT POLICE DEPARTMENT		Report No 201224023		Supplement No ORIG		Reported Date 12/24/2020		Reported Time 14:53		CAD Call No 20129316			
Status REPORT TO FOLLOW			Rpt/Incident Typ BATTERY										
Location 47700 KATO RD										City Fremont			
ZIP Code 94538		Rep Dist 1185		Area 3		Beat 3 3		From Date 12/19/2020		From Time 17:40			
								To Date 12/19/2020		To Time 17:40			
Member# 16212/MARQUEZ, HECTOR						Assignment Swing Shift, A Team, Zone 2							
2nd Member# O'NEAL, DONALD			2nd Assignment Swing Shift, A Team, Zone 2			Entered By 16212							
Assignment Swing Shift, A Team, Zone 2				RMS Transfer Successful		Prop Trans Stat Successful		Approved By 12636					
Approving Officer 12636			Approval Date 12/31/2020			Approval Time 16:58:50							
Body Worn Camera Yes			Forward to DA Yes										
# Offenses 1		Offense PC242				Description Battery			Complaint Type M				
NIBRS													
										[A_C]		[MOE]	

Person Summary

Invl	Invl No	Type	Name	MNI
VIC	1	I	LOWTHER, SHAMEIM	31138074
Race	Sex	DOB		
B	F	11/22/1978		
Invl	Invl No	Type	Name	MNI
SUS	1	I	NAM, HYUNUK	31138467
Race	Sex	DOB		
A	M			
Invl	Invl No	Type	Name	MNI
PER	1	I	COELHO, DERRICK	31138076
Race	Sex	DOB		
I	M			
Invl	Invl No	Type	Name	MNI
PER	2	I	MEMON, KAMRAN	31138077
Race	Sex	DOB		
I	M			
Invl	Invl No	Type	Name	MNI
PER	3	I	ANDERSON, ZOE	31138078
Race	Sex	DOB		
U	F			

Summary Narrative

USE SUMMARY FOR CHARGING

NOTIFICATION:

On 12/24/20 at approximately 1605 hours I responded to 4**** Kato Rd for the report of a battery that occurred between Hyunuk Nam and Shameim Lowther on 12/19/20.

INVESTIGATION:

Report Officer 16212/MARQUEZ, HECTOR	Printed At 04/01/2021 15:18
Page 1 of 6	

Incident Report
FREMONT POLICE DEPARTMENT

201224023

Supplement No
ORIG

Summary Narrative

Nam approached Lowther while she was lying down on her work break. Nam then grabbed Lowther's chest area, bra, shirt, and jacket as he was trying to grab her badge that was on her chest, which was not wanted by Lowther. Lowther advised that she wanted prosecution against Nam for this incident.

Nam advised that he did not touch Lowther.

There were no independent witnesses or cameras in the area.

CASE DISPOSITION:

I recommend a complaint of PC242 (Battery) against Nam be sent to the Alameda County District Attorney's office.

CC:DDA

Report Officer

16212/MARQUEZ, HECTOR

Printed At

04/01/2021 15:18

Incident Report

FREMONT POLICE DEPARTMENT

201224023

Supplement No
ORIG**VICTIM 1: LOWTHER, SHAMEIM**

Involvement	Invl No	Type	Name	
VICTIM	1	Individual	LOWTHER, SHAMEIM	
MNI	Race	Sex	DOB	Age
31138074	Black	Female	11/22/1978	42
Juvenile?	Height	Weight	Hair Color	Eye Color
No	5'11"	220#	Black	Brown
PRN 2039082				
NIBRS				
S MN				
Means of Attack		Extent of Injury		Domestic Violence
Physical, Simple		Minor Visible		No
Type	Address			
Home	2004 UNIVERSITY AVE APT 205			
City	State	ZIP Code	Date	
BERKELY	California	94704	12/24/2020	
Type	ID No	OLS		
Operator License/ID	D7158734	California		
Phone Type	Phone No	Date		
Cell	(510) 998-8442	12/24/2020		

SUSPECT 1: NAM, HYUNUK

Involvement	Invl No	Type	Name	
SUSPECT	1	Individual	NAM, HYUNUK	
MNI	Race	Sex	DOB	Age
31138467	Other Asian	Male		46
Juvenile?	Height	Weight	Hair Color	Eye Color
No	5'07"	150#	Black	Brown
PRN 2039083				
Type	Address			
Home				
City	State	ZIP Code	Date	
	California		12/24/2020	
Type	ID No	OLS		
Operator License/ID				
OLS				
Phone Type	Phone No	Date		
Home		12/24/2020		

PERSON 1: COELHO, DERRICK

Involvement	Invl No	Type	Name	
PERSON	1	Individual	COELHO, DERRICK	
MNI	Race	Sex	DOB	Age
31138076	American Indian/Alaskan	Male		40
Juvenile?	Height	Weight	Hair Color	PRN
No				2039084
Type	Address			
Business				
City	State	ZIP Code	Date	
	California	94538	12/24/2020	
Phone Type	Phone No	Date		
Cell		12/24/2020		

PERSON 2: MEMON, KAMRAN

Involvement	Invl No	Type	Name	
PERSON	2	Individual	MEMON, KAMRAN	
MNI	Race	Sex	DOB	Age
31138077	American Indian/Alaskan	Male		47
Juvenile?	Height	Weight	Hair Color	PRN
No	5'11"	185#	Black	2039085
Eye Color	PRN			
Brown	2039085			
Type	Address			
Business				
City	State	ZIP Code	Date	
	California		12/24/2020	
Type	ID No	OLS		
Operator License/ID		California		
Phone Type	Phone No	Date		
Cell		12/24/2020		

Report Officer
16212/MARQUEZ, HECTORPrinted At
04/01/2021 15:18

Incident Report

FREMONT POLICE DEPARTMENT

201224023

Supplement No
ORIG**PERSON 3: ANDERSON,ZOE**

Involvement PERSON	Invt No 3	Type Individual	Name ANDERSON,ZOE				
MNI 31138078	Race Unknown (NCIC value=Unknown race)	Sex Female	DOR	Age 27	Juvenile? No		
Height 5'10"	Weight 200#	Hair Color Brown	Eye Color Brown	PRN 2039086			
Type Business	Address						
City	State California	ZIP Code	Date 12/24/2020				
Type Operator License/ID	IN No	OLS California					
Phone Type Cell	Phone No	Date 12/24/2020					

Narrative**NOTIFICATION:**

On Thursday, 12/24/20, at approximately 1605 hours I was working patrol for the City of Fremont Police Department. I was wearing my department issued uniform and was driving a marked patrol vehicle. I was dispatched to Tesla located at 47700 Kato Rd for the report of a subject (Hyunuk Nam) grabbing the reporting party's (Shameim Lowther) chest. Lowther advised that human resources did not do anything, and that Nam was currently working.

STATEMENT FROM LOWTHER:

I spoke to Lowther and she made the following statement in summary:
Lowther advised that she works for Tesla, and on 12/19/20 at approximately 1730 hours she was taking a break. At approximately 1738 hours Lowther lied down on the chairs in the break area.

There was a supervisor, Nam, that approached Lowther while she was lying down on her break. Nam then told Lowther to get up and stated something along the lines of aren't you supposed to be in production. Nam then asked Lowther for her name and wanted to see her badge. Nam then tried to grab Lowther's badge and grabbed her breast, bra, shirt, and jacket as he grabbed her badge. Lowther believed Nam was only trying to grab her badge. Nam then called security and advised he was going to have her fired for this incident. Nam then apologized for the incident occurring. Nam also tried to speak to Lowther about different topics after the incident occurred.

Lowther advised that she did obtain redness to her chest area that was there for a short period, but there was no longer any visible injury. Lowther advised that an employee by the name of Zoe Anderson observed this incident occur. Lowther tried to report this incident to human resources, but advised they were not doing anything regarding the incident, and that it may be some time before they are able to handle it. Lowther did want prosecution against Nam for this incident.

Lowther provided me with a written statement of what occurred. This written statement was an email that was sent to Tesla human resources. The written statement will be attached to this report.

STATEMENT FROM SECURITY GUARD DERRICK COELHO:

I then spoke to security guard, Derrick Coelho, and he made the following statement in summary:

Coelho advised he arrived to this incident after it occurred. Coelho observed Lowther and Nam arguing. Lowther explained to Coelho what had occurred, and Nam apologized for the incident occurring. Coelho did not see anything physical occur.

STATEMENT FROM NAM:

Prior to speaking to Nam, I read him his Miranda rights per my department issued Miranda card. Nam advised that he understood his rights. Nam made the following statement in summary:

Nam advised that at approximately 1740 hours he approached Lowther and noticed that she was lying down on

Report Officer 16212/MARQUEZ, HECTOR	Printed At 04/01/2021 15:18
Page 4 of 6	

Incident Report

FREMONT POLICE DEPARTMENT

201224023

Supplement No
ORIG

Narrative

the chairs in the break area. Nam asked Lowther what her name was, and Lowther told him to leave her alone. Nam then asked Lowther for her supervisor's name. Nam then noticed that Lowther had a badge, and he tried to look at it. Lowther then told Nam that he was being rude to her, and he apologized for it.

I asked Nam if he grabbed Lowther's badge, and he advised that he did not. Nam advised he did not touch Lowther.

STATEMENT FROM TESLA EMPLOYEE KAMRAN MEMON:

I then spoke to Tesla employee, Kamran Memon, and he made the following statement in summary:

Memon advised that he arrived after the incident occurred, and that he did not observe anything physical occur. Once Memon arrived, Nam was apologizing to Lowther. Memon also observed Lowther and Nam walk towards the cafeteria together.

STATEMENT FROM TESLA EMPLOYEE ZOE ANDERSON:

I then spoke to Tesla employee Zoe Anderson, and she made the following statement in summary:

Anderson advised that she was in the workstation/changing room area near the area of where the incident took place between Lowther and Nam. Anderson heard Nam raising his voice towards Lowther, but she does not know what they were arguing about. Anderson did not see anything physical occur between Lowther and Nam, but she did hear Lowther say that she was touched by Nam. Anderson advised that Nam was frustrated, and that she did not hear him apologize during the incident.

EMAIL RECEIVED FROM LOWTHER ON 12/25/20:

On 12/25/20 at approximately 0854 hours Lowther emailed me. Lowther wanted the email documented. The email read the following:

"This is an additional complaint that I submitted to my employer, please add this to my file. Thank you Shameim

The simple point is that Thomas touched me without my consent. What he did was inappropriate. It was wrong.

It was very traumatic. When I saw him today (upstairs speaking with Josh Stone) it triggered my trauma and put me in a uncomfortable headspace. I am a woman. I am a muslim woman. Regardless of my faith (which plays an integral part in my physical contact with men who are not my immediate family) or background a person should never put their hands on anyone in general without their consent.

When he reached for me and grabbed my badge he also grabbed my breast while trying to grab for my badge that was also attached to my jacket pocket across my chest.

When he was confronted by me in front of the Lead (Kamran) and the head of Security (Derrick) he did not deny anything when I said what happened.

The Lead (Kamran) said in the video you can't grab on her like that because I stated in a frenzy in front of Thomas, security (Derrick) and Kamran that Thomas grabbed my breast.

Thomas again did not deny it. He apologized with both Kamran and Derrick present for (in his exact words) being aggressive towards me, and after they walked away he continued to apologize to me.

In Thomas's police statement Thomas denied ever reaching for my badge and grabbing my breast.

If he didn't grab me then what was he sorry for? He said he was concerned about my well being. If he was concerned and kind towards me then why did he apologize if he did nothing wrong? He did not once deny his actions or behavior that day.

Zoe was in the gowning room, walked in and witnessed Thomas's treatment, and behavior towards me.

Report Officer 16212/MARQUEZ, HECTOR	Printed At 04/01/2021 15:18
Page 5 of 6	

Incident Report

FREMONT POLICE DEPARTMENT

201224023

Supplement No
ORIG

Narrative

Security did not file a report. My supervisor did not file a report. Emmanuel stayed on the phone with me on my drive home that evening to make sure I was stable enough to drive home, and advised me to pull over to calm down. After I gathered myself, Tuesday I contacted HR and wrote my complaint. I was given an appointment 1/7/2021.

However, when I saw Thomas today my trauma was triggered. He spoke to me in passing as I was returning from RR with Kamran (he and Joshua Stone were speaking). I turned away and kept walking. Kamran spoke.

During my lunch in the cafeteria Thomas tried to speak to me again. I ignored him and looked away.

The third time in passing (Thomas did not speak) that is when I decided that I do not feel safe; Me seeing him I felt humanly violated and I didn't feel safe. He is here and nothing has been done or said to protect my emotional health and physical well being. I called the police and filed a report.

During this time and social climate it is very apparent that it is ok for individuals to assault black women with having a lack of association of gender and disconnect without the consequences of recoil. This happened to me. This happened to ME. I have to literally fight to prove what factually happened to me.

The fact that Thomas didn't think twice about what he did and just did it.... to add insult to injury after he realized what he did-Thomas turned it on me and called security, threatened me with termination. He approached me, he harassed me, he was overzealous and used an unethical behavior of power differential against me.

My work environment should be a safe space. Something like this I hope to not ever expect in my lifetime, but it happened. Never could I imagine that this would occur to me at my employment. "

END OF EMAIL

CONTINUED INVESTIGATION:

Based on all of the above statements, I could not prove that a battery occurred. This report will be sent to the Alameda County District Attorney's office for a complaint of charges against Nam due to Lowther wanting prosecution.

EVIDENCE:

-Written statement from Lowther

CASE DISPOSITION:

I recommend a complaint of PC242 (Battery) against Nam be sent to the Alameda County District Attorney's office.

CC:DDA

Report Officer
16212/MARQUEZ, HECTOR

Printed At
04/01/2021 15:18

CH-109**Notice of Court Hearing**

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name:

Shamein Asiya Lowther

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 2004 University Ave 205City: Berkeley State: CA Zip: 94704Telephone: 5109988442 Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of Alameda
 Rene C. Davidson Alameda County Courthouse
 1225 Fallon Street
 Oakland, CA 94612

Court fills in case number when form is filed.

Case Number:

RG20083780**2 Person From Whom Protection Is Sought**Full Name: Thomas Nam*The court will complete the rest of this form.***3 Notice of Hearing**A court hearing is scheduled on the request for restraining orders against the person in **2**:Hearing
DateDate: 02/09/2021Time: 9:00amDept.: 106

Room: _____

Name and address of court if different from above:

Remote hearing only see bluejeans instructions attached.**4 Temporary Restraining Orders** (Any orders granted are on form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) ☒ All **GRANTED** until the court hearing.(2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

Case Number:

RG20083780

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.
- (2) ☒ Other (*specify*): ☐ As set forth on Attachment 4b.

This is a matter that may be more properly filed as a workplace violence restraining order petition, which is lodged by the employer for the protection of the employee. As the terms of a civil harassment restraining cannot restrict the movement of lawful employee conduct, presence and location at the workplace.

⑤ Confidential Information Regarding Minor

- a. ☐ A *Request to Keep Minor's Information Confidential* (form CH-160) was made and **GRANTED**. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described in item ⑦ on the order (form CH-165) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.

⑥ Service of Documents for the Person in ①

At least ☒ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court's file-stamped copy of this form CH-109 to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. ☒ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. ☐ CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped) **IF GRANTED**
- g. ☐ Other (*specify*): _____

Date: 12/28/2020

Judicial Officer

Joselyn C. Jones

Case Number:

RG20083780

To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

To the Person in ② :

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

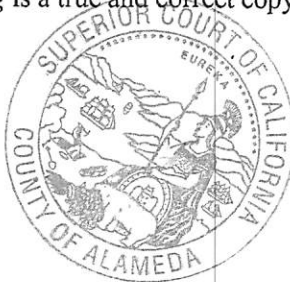
—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: DEC 31 2020

Clerk, by [Signature], Deputy



CONNECTING TO YOUR RESTRAINING ORDER HEARING

PLAINTIFF: YOU MUST SERVE THIS NOTICE ON DEFENDANT(S)

You will connect to the hearing through the BlueJeans software. See <https://www.bluejeans.com>. For information on how to connect by telephone, smart phone, tablet, or computer, see <https://support.bluejeans.com/s/topic/0TO2R000000kaiXWAQ/joining>. Both iOS or Android are supported. Before the hearing, check your connection, audio, and video by joining a test meeting at bluejeans.com/111. **You may not record the proceedings.**

BlueJeans Meeting ID: 5106274713 (if assigned to Dept. 106), 5106274712 (if assigned to Dept. 105) or 5106902728 (if assigned to Dept. 519)

Passcode: 1801 (Monday hearings), 2802 (Tuesday hearings), 3803 (Wednesday hearings), 4804 (Thursday hearings) or 5805 (Friday hearings)

Video Connection: Ensure that your device has a camera and an adequate power source and internet connection. Sit close to your Wi-Fi router or connect via Ethernet cable. Make sure no one in your household is streaming video/audio during the hearing.

Audio-Only Connection: If you do not have a computer or smartphone, you can appear by telephone through BlueJeans. Call 408-915-6290 or 408-419-1715, and enter the Meeting ID and Passcode when prompted. Do not use a speakerphone.

Connection Issues: If you have trouble connecting, inform the clerk of your assigned department, at either (510) 627-4713 (Dept. 106), dept105@alameda.courts.ca.gov (Dept. 105) or (510) 690-2728 (Dept. 519). The clerk cannot provide technical assistance.

Identify Yourself When You Log In: After you log in, every participant must enter a first and last name. Attorneys may indicate a status (such as Esq., Atty, Counsel, etc.) next to their names.

Conduct During the Hearing: This is a formal court proceeding. Dress appropriately. Wait to speak until the bench officer calls on you. Mute yourself when you are not speaking. Avoid disruptions by choosing a quiet location away from other household members (especially children).

Evidence: Any evidence that you have not filed but that you want considered at the hearing must be in electronic form (PDF or JPEG) if at all possible. You must email or mail any evidence to the other side (plaintiff or defendant) so that it is received at least two court days before the hearing. On the day of your hearing, the court will tell you how to email the evidence to the court so that the bench officer can review it during your hearing.

Witnesses: When the court calls your case, advise the court if you plan to call a witness. Your witness should be available for the entire morning or afternoon that your case is called. When directed to do so by the court, you will need to contact your witness to tell him or her to join the hearing remotely using

their own BlueJeans connection (telephone, computer, or laptop). Provide a copy of this notice to any witness you intend to call.

Interpreter Request/Special Needs: If you need language translation and/or other accommodation, email your assigned Department (dept106@alameda.courts.ca.gov, dept105@alameda.courts.ca.gov or dept519@alameda.courts.ca.gov) as soon as possible.

Mediation: Please contact the court's ADR program if you are interested in free mediation, adrprogram@alameda.courts.ca.gov or (510) 891-6055.

FAILURE TO COMPLY WITH THESE RULES MAY BE GROUNDS FOR EJECTION FROM THE HEARING, CONTINUANCE OF THE HEARING, AND MAY BE CONSIDERED CONTEMPT OF COURT.

(REVISED AS OF 7/9/2020)

AMENDED

CH-110

Temporary Restraining Order



24015334

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: Shamein Asiya Lowther

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: 2004 University Ave 205City: Berkeley State: CA Zip: 94704Telephone: 5109988442 Fax: _____

E-Mail Address: _____

FILED
ALAMEDA COUNTY

DEC 30 2020

CLERK OF THE SUPERIOR COURT

By [Signature]

Deputy

Fill in court name and street address:

Superior Court of California, County of Alameda

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street
Oakland, CA 94612

Court fills in case number when form is filed.

Case Number:

RG20083780

* ② Restrained Person

Full Name: Thomas Nam

Description:

Sex: ☒ M ☐ F Height: 5'7" Weight: 170 Date of Birth: _____

Hair Color: BLK Eye Color: BLK Age: 54 Race: K

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: Production Associate Manager (Telsa)

③ ☐ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 02/09/2021 Time: 9:00am ☒ a.m. ☐ p.m.

This is a Court Order.

Case Number:

RG20083780

To the Person in ② :

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders

☐ Not Requested ☐ Denied Until the Hearing ☒ Granted as Follows:

a. You must **not** do the following things to the person named in ①

☐ and to the other protected persons listed in ③ :

- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☒ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ Other (*specify*):
☐ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Order

☐ Not Requested ☐ Denied Until the Hearing ☒ Granted as Follows:

a. You must stay at least 100 yards away from (*check all that apply*):

- (1) ☒ The person in ①
- (2) ☐ Each person in ③
- (3) ☒ The home of the person in ①
- (4) ☐ The job or workplace of the person in ①
- (5) ☐ The school of the person in ①
- (6) ☐ The school of the children of the person in ①
- (7) ☐ The place of child care of the children of the person in ①
- (8) ☒ The vehicle of the person in ①
- (9) ☒ Other (*specify*):
3 yards within the same workplace

b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

Case Number:

RG20083780

- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*

c. ☐ The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

☒ Not Requested ☐ Denied Until the Hearing ☐ Granted as Follows (specify):

- a. ☐ The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. ☐ The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

☒ Not Requested ☐ Denied Until the Hearing ☐ Granted as Follows (specify):

☐ Additional orders are attached at the end of this Order on Attachment 9.

To the Person in ① :

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. ☒ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

This is a Court Order.



Case Number:

RG20083780

(11) No Fee to Serve (Notify) Restrained Person ☒ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. ☐ The person in (1) is entitled to a fee waiver.

(12) Number of pages attached to this Order, if any: _____Date: 12/28/2020*Joselyn C. Jones*

: Judicial Officer

Warnings and Notices to the Restrained Person in (2)**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item (7) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (2).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in (1).
- You must have form CH-120 served by mail on the person in (1) or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order.

Case Number:

RG20083780

- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item (4) on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Case Number:

RG20083780

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: **DEC 31 2020** Clerk, by *[Signature]*, Deputy

This is a Court Order.

CH-100**Request for Civil Harassment Restraining Orders**

24015844

Clerk stamps date here

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

1 Person Seeking Protection

a. Your Full Name: Shameim Asya Lowther Age: 42

Your Lawyer (if you have one for this case)

Name:

State Bar No.:

Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 2004 University Ave 205

City: Berkeley

State: Ca

Zip: 94704

Telephone: 510 998 8442

Fax:

E-Mail Address:

**FILED
ALAMEDA COUNTY**

DEC 28 2020

CLERK OF DISTRICT SUPERIOR COURT
By David H. Drew

Deputy

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

RG 2008 3780**2 Person From Whom Protection Is Sought**

Full Name: Thomas Nam

Age: 54+

Address (if known): unknown

City:

State:

Zip:

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☐ Yes ☒ No If yes, list them:

Full Name

Sex

Age

Lives with you?

How are they related to you?

n/a

☐ Yes ☐ No

n/a

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

Please see attached paper

This is not a Court Order.

Request for Civil Harassment Restraining Orders
(Civil Harassment Prevention)

CH-100, Page 1 of 6



Case Number: **4 Relationship of Parties**

How do you know the person in (2)? (Explain below):

- ☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

5 Venue

Why are you filing in this county? (Check all that apply):

- a. ☐ The person in (2) lives in this county.
- b. ☒ I was harassed by the person in (2) in this county.
- c. ☒ Other (specify): I work in the same building where the incident occurred and person who assaulted me

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

- ☐ Yes ☒ No (If yes, check each kind of case and indicate where and when each was filed.)

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Civil Harassment			
(2) <input type="checkbox"/> Domestic Violence			
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation			
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody			
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse			
(6) <input type="checkbox"/> Eviction			
(7) <input type="checkbox"/> Guardianship			
(8) <input type="checkbox"/> Workplace Violence			
(9) <input type="checkbox"/> Small Claims			
(10) <input type="checkbox"/> Criminal			
(11) <input type="checkbox"/> Other (specify):			

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? ☒ No ☐ Yes (If yes, attach a copy if you have one.)

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

- (1) When did it happen? (provide date or estimated date): 12-25-2020 - Intimidation by presence/stalking 12-19-2020 Sexual Assault
- (2) Who else was there? Emmanuel Robles (supervisor in cafeteria) 10:45 - 11:45am
12-25-2020
12-19-2020 - assault inappropriate conduct caused emotional trauma & distress

This is not a Court Order.

Case Number:

7 a. (3) How did the person in (2) harass you? (Explain below):

☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

Please read attached email copies

to: company HR & managers

Police Report # 201 224 023 officer H. Marquez

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

☐ Yes ☒ No (If yes, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

☒ Yes ☐ No (If yes, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

Please see attachment email

emotionally traumatized

note: Scratched my right chest - not broken (grazed/bruised)

(6) Did the police come? ☒ Yes ☐ No

If yes, did they give you or the person in (2) an Emergency Protective Order? ☐ Yes ☒ No

If yes, the order protects (check all that apply):

☐ Me ☐ The person in (2) ☐ The persons in (3).

(Attach a copy of the order if you have one.)

b. Has the person in (2) harassed you at other times?

☒ Yes ☐ No (If yes, describe prior incidents and provide dates of harassment below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

12-24-2020

12-25-2020

→ on video security camera btwn

10:40 - 11:40 same + hung

staring &

Pacing eme - around in cafeteria

All three times on three separate occasions. He said something 2x8

see email.

This is not a Court Order

on 12/24/2020

Case Number: Check the orders you want. ☒**8 ☒ Personal Conduct Orders**

I ask the court to order the person in (2) not to do any of the following things to me or to any person to be protected listed in (3):

- a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- c. ☐ Other (specify):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.

The officer asked what is it that I need to happen as of now. I said to keep his distance & stay away. On the other way I told me & R him. They met w/ him and he agreed.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 ☒ Stay-Away Ordersa. I ask the court to order the person in (2) to stay at least 666 yards away from (check all that apply):

- (1) ☒ Me.
- (2) ☐ The other persons listed in (3).
- (3) ☒ My home.
- (4) ☒ My job or workplace.
- (5) ☐ My school.
- (6) ☐ My children's school.
- (7) ☐ My children's place of child care.
- (8) ☒ My vehicle.
- (9) ☒ Other (specify):

We work in the same factory, but in different departments. After the assault he has been coming around more and not observing the agreement or advice. He has been coming to common areas and making himself known &

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☒ Yes ☐ No (If no, explain below):

☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

Staying & staying @ me. no comm unication

10 ☐ Guns or Other Firearms and AmmunitionDoes the person in (2) own or possess any guns or other firearms? ☐ Yes ☐ No ☒ I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

This is not a Court Order

Case Number:

11 Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court's signature together with this Request.

Has the person in (2) been told that you were going to go to court to seek a TRO against him/her?

☒ Yes ☐ No (If you answered no, explain why below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

I told the officer on 12/24/2020 I would.

I was handed a Domestic violence pamphlet.

He told me that this is civil & go to court & it would be
about but I wasn't

12 Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

I have to return to work 12-30-2020

13 No Fee for Filing or Service

- a. ☒ There should be no filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. ☒ The sheriff or marshal should serve (notify) the person in (2) about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. ☒ There should be no filing fee and the sheriff or marshal should serve the person in (2) for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 Lawyer's Fees and Costs

I ask the court to order payment of my ☐ lawyer's fees ☐ Court costs.

The amounts requested are:

Item	Amount	Item	Amount
	\$		\$
	\$		\$
	\$		\$

☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order

Case Number:

15

☐ Possession and Protection of Animals

I ask the court to order the following:

- a. ☐ That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.

(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because (specify good cause for granting order):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. ☐ That the person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16

☐ Additional Orders Requested

I ask the court to make the following additional orders (specify):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

— obtain a copy of police report 12/24/2020 and police camera statement from witnesses: Kamran Memm (Lead in Quality Control) Zoe Anderson - Production Associate, Head of security Derek

17

Number of pages attached to this form, if any:

5

Date: 12-28-2020

Lawyer's name (if any)

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 12-28-2020

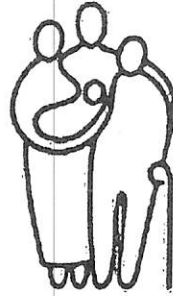
Shameem Loather

Type or print your name.

Sign your name

This is not a Court Order.

LifeLong Medical Care



Health Services For All Ages

a californiah⁺health center

12/25/2020

Shameim Lowther (DOB 11/22/1978) is under our medical care. Ms Lowther is facing significant stress and anxiety after a sexual assault at her place of employment. Ms Lowther needs medical stress leave at this time. Please contact our office with any questions or concerns.

Sincerely

Corey Bohman, NP

LIFELONG MEDICAL CARE EAST
OAKLAND PRIMARY CARE
10700 MACARTHUR BLVD. SUITE 14B
OAKLAND CA 94605-5298
510-981-4100

Shameim Lowther

From: Shameim Lowther
Sent: Tuesday, December 22, 2020 10:27 AM
To: Tracy Thomas
Subject: Saturday incident

Date: 12/19/2020
Time incident: Around 5:40
Location: 47700 Kato Rd Lobby
Place: Seating/Break area

At 5:31pm I went to take my last two breaks for the day. I went to the lobby, made a phone call, and sat down (placing my backpack to the left side of me). After my conversation I leaned over on my left side while my leg was crossed over leaving the other foot placed on the floor. My head placed against my backpack with both my face shield, and mask on. I began to quiet my mind.

Within minutes someone stood next to me by the side of my face hovering over me, blocking my view.

Thomas: "you can't lay down here-get up!"

Shameim: "Huh-Wait what?" *(in a state of confusion trying to make sense of what was happening. I couldn't see and I couldn't move past his enclosed space.* He began to ask me a series of demands and questions at the same time.

Thomas: Why are you laying down! what is your name! Get up! Why are you not working? Are you sick- Tell me your name-What is your name?

Shameim: Hold on wait a minute-what's going on? Who are you?

He interrupts me

Thomas: No-who are you-you tell me your name. Let em see your badge

And before I could respond he reached and grabbed my badge that was connected to the top pocket of my jean jacket and hanging across my chest (as I was sitting to the side leaning back closer to the back of the chair trying to create space). He grabbed my badge so aggressively that he grabbed my right breast (and pulled my jean jacket away from me towards himself). My badge was a clip not the one you pull with a string. I instantly pushed his hand away from me and said

Shameim: "Hey what are you doing! You just grabbed my chest- don't put your hands on me and grab on my body like that! Don't touch me!"

He backed up immediately and began to say

Thomas: I am calling security to take you out of here since you won't give me your name, and on Monday I will contact your supervisor, the manager, HR, EHS and have you fired this week!

Shameim: You put your hands on me and you are calling security on me? for what-taking a break? I don't know who you are. You walked up to me, demanding and scrutinizing me, stood over me, and grabbed on me.

Thomas: This area is for visitors only not for employees to take their break- okay I'm calling your supervisor. *When Thomas took his phone out to call Louie his tone and conduct changed towards me. He was polite in his behavior and patient. Thomas called Louie. Louie called back. When he spoke to Louie I heard his name and I said*

Shameim: your name is Thomas?

Thomas: yes now tell me your name?

Thomas stressed his inability to Louie to obtain my name as if I wasn't cooperating and that he was the victim. For me in that moment it was truly surreal and I was in disbelief. Here is a man who came to me, assaulted me, and played victim. Security came, back up security came.... I don't fully know what was said to the security, but when it happened I told him

Shameim: *You're no different from a white racist and you're practicing overt racism towards me right now. People were arriving for work, and everyone was standing, staring and listening to the incident. My Lead came out and diffused the situation and we all spoke openly as a group. The security said he knows me and I work there and if there is an issue have them speak to me and not engage. The security and my Lead and expressed to him that I am a woman and he can't grab on me like that. Thomas apologized for his aggression and behavior towards me. I accepted his apology because I just wanted my day to be done and this incident to be over. I expressed my frustrations with my experiences in it's entirety at Tesla and that this incident was the cherry on top so when he does report me taking a break to make sure that I am fired like he stated and then I can stay home and get paid to look for another job and be done with this miserable place. He apologized again and said we got off to the wrong start and since I'm unhappy why don't I come over to operations with him. I said my job duties-the work that I do in itself is fine; It's the culture of duplicity.*



Shameim Lowther <lowthershameim@gmail.com>

Video 1

2 messages

Shameim Lowther <lowthershameim@gmail.com>

Thu, Dec 24, 2020 at 9:24 PM

To: "drew@tesla.com" <drew@tesla.com>, "emroble@tesla.com" <emroble@tesla.com>, "erm@tesla.com" <erm@tesla.com>, "jkirkland@tesla.com" <jkirkland@tesla.com>, "joshustone@tesla.com" <joshustone@tesla.com>, "pcousins@tesla.com" <pcousins@tesla.com>, "psharma@tesla.com" <psharma@tesla.com>

The simple point is that Thomas touched me without my consent. What he did was inappropriate. It was wrong.

It was very traumatic. When I saw him today (upstairs speaking with Josh Stone) it triggered my trauma and put me in a uncomfortable headspace. I am a woman. I am a muslim woman. Regardless of my faith (which plays an integral part in my physical contact with men who are not my immediate family) or background a person should never put their hands on anyone in general without their consent.

When he reached for me and grabbed my badge he also grabbed my breast while trying to grab for my badge that was also attached to my jacket pocket across my chest.

When he was confronted by me in front of the Lead (Kamran) and the head of Security (Derrick) he did not deny anything when I said what happened.

The Lead (Kamran) said in the video you can't grab on her like that because I stated in a frenzy in front of Thomas, security (Derrick) and Kamran that Thomas grabbed my breast.

Thomas again did not deny it. He apologized with both Kamran and Derrick present for (in his exact words) being aggressive towards me, and after they walked away he continued to apologize to me.

In Thomas's police statement Thomas denied ever reaching for my badge and grabbing my breast.

If he didn't grab me then what was he sorry for? He said he was concerned about my well being. If he was concerned and kind towards me then why did he apologize if he did nothing wrong? He did not once deny his actions or behavior that day.

Zoe was in the gowning room, walked in and witnessed Thomas's treatment, and behavior towards me.

Security did not file a report. My supervisor did not file a report. Emmanuel stayed on the phone with me on my drive home that evening to make sure I was stable enough to drive home, and advised me to pull over to calm down. After I gathered myself, Tuesday I contacted HR and wrote my complaint. I was given an appointment 1/7/2021.

However, when I saw Thomas today my trauma was triggered. He spoke to me in passing as I was returning from RR with Kamran (he and Joshua Stone were speaking). I turned away and kept walking. Kamran spoke.

During my lunch in the cafeteria Thomas tried to speak to me again. I ignored him and looked away.


The third time in passing (Thomas did not speak) that is when I decided that I do not feel safe; Me seeing him I felt humanly violated and I didn't feel safe. He is here and nothing has been done or said to protect my emotional health and physical well being. I called the police and filed a report.

During this time and social climate it is very apparent that it is ok for individuals to assault black women with having a lack of association of gender and disconnect without the consequences of recoil. This happened to me. This happened to ME. I have to literally fight to prove what factually happened to me.

The fact that Thomas didn't think twice about what he did and just did it..... to add insult to injury after he realized what he did-Thomas turned it on me and called security, threatened me with termination. He approached me, he harassed

me, he was overzealous and used an unethical behavior of power differential against me.

My work environment should be a safe space. Something like this I hope to not ever expect in my lifetime, but it happened. Never could I imagine that this would occur to me at my employment.

 IMG_0746.mov
14493K

Shameim Lowther <lowthershameim@gmail.com>
To: "Slowther@tesla.com" <Slowther@tesla.com>

Fri, Dec 25, 2020 at 6:17 AM

[Quoted text hidden]

 IMG_0746.mov
14493K

CONNECTING TO YOUR RESTRAINING ORDER HEARING

PLAINTIFF: YOU MUST SERVE THIS NOTICE ON DEFENDANT(S)

You will connect to the hearing through the BlueJeans software. See <https://www.bluejeans.com>. For information on how to connect by telephone, smart phone, tablet, or computer, see <https://support.bluejeans.com/s/topic/0TO2R000000kaiXWAQ/joining>. Both iOS or Android are supported. Before the hearing, check your connection, audio, and video by joining a test meeting at bluejeans.com/111. ***You may not record the proceedings.***

BlueJeans Meeting ID: 5106274713 (if assigned to Dept. 106), 5106274712 (if assigned to Dept. 105) or 5106902728 (if assigned to Dept. 519)

Passcode: 1801 (Monday hearings), 2802 (Tuesday hearings), 3803 (Wednesday hearings), 4804 (Thursday hearings) or 5805 (Friday hearings)

Video Connection: Ensure that your device has a camera and an adequate power source and internet connection. Sit close to your Wi-Fi router or connect via Ethernet cable. Make sure no one in your household is streaming video/audio during the hearing.

Audio-Only Connection: If you do not have a computer or smartphone, you can appear by telephone through BlueJeans. Call 408-915-6290 or 408-419-1715, and enter the Meeting ID and Passcode when prompted. Do not use a speakerphone.

Connection Issues: If you have trouble connecting, inform the clerk of your assigned department, at either (510) 627-4713 (Dept. 106), dept105@alameda.courts.ca.gov (Dept. 105) or (510) 690-2728 (Dept. 519). The clerk cannot provide technical assistance.

Identify Yourself When You Log In: After you log in, every participant must enter a first and last name. Attorneys may indicate a status (such as Esq., Atty, Counsel, etc.) next to their names.

Conduct During the Hearing: This is a formal court proceeding. Dress appropriately. Wait to speak until the bench officer calls on you. Mute yourself when you are not speaking. Avoid disruptions by choosing a quiet location away from other household members (especially children).

Evidence: Any evidence that you have not filed but that you want considered at the hearing must be in electronic form (PDF or JPEG) if at all possible. You must email or mail any evidence to the other side (plaintiff or defendant) so that it is received at least two court days before the hearing. On the day of your hearing, the court will tell you how to email the evidence to the court so that the bench officer can review it during your hearing.

Witnesses: When the court calls your case, advise the court if you plan to call a witness. Your witness should be available for the entire morning or afternoon that your case is called. When directed to do so by the court, you will need to contact your witness to tell him or her to join the hearing remotely using

CIVIL HARASSMENT PACKET 7A

PICK UP PACKET FOR THE PROTECTED PERSON

If you need additional forms, they can be obtained from your local Superior Court Clerk's Office or by visiting the Judicial Council website at

<http://www.courtinfo.ca.gov/forms/>

Reviewed & Revised 1-1-12

CH-200-INFO**What Is "Proof of Personal Service"?****What is "Service"?**

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person" service. The *Request for Civil Harassment Restraining Orders* (Form CH-100), the *Notice of Court Hearing* (Form CH-109), and the *Temporary Restraining Order* (Form CH-110) must be served "in person." That means that someone must personally "serve" (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

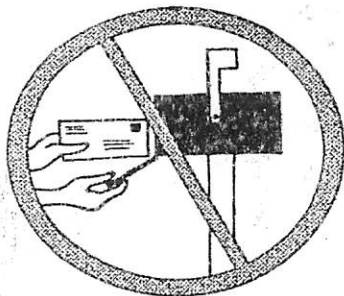
The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence, or if you are entitled to a fee waiver.

A "registered process server" is a business you pay to deliver court forms. Look for "Process Serving" in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form CH-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up. Service is still complete.

CH-200**Proof of Personal Service**

Clerk stamps date here when form is filed.

1 Person Seeking Protection

Name: _____

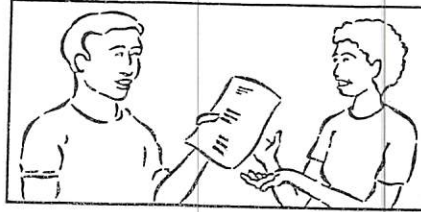
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items ① or ③ of Form CH-100.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.



Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

PROOF OF PERSONAL SERVICE**4** I gave the person in ② a copy of the forms checked below:

- a. ☐ CH-109, *Notice of Court Hearing*
- b. ☐ CH-110, *Temporary Restraining Order*
- c. ☐ CH-100, *Request for Civil Harassment Restraining Orders*
- d. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. ☐ CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
- g. ☐ CH-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. ☐ Other (specify): _____

5 I personally gave copies of the documents checked above to the person in ② :a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name _____

Server to sign here _____